
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JERRY ERNEST LOPEZ,

Plaintiff,

v.

F.B.I. OF SALT LAKE CITY; and UNITED
STATES OF AMERICA,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
CASE AND IMPOSE FILING
RESTRICTIONS**

Case No. 1:24-cv-00028

District Judge Jill N. Parrish

Before the court are two Report and Recommendations issued by Magistrate Judge Daphne A. Oberg. The first Report and Recommendation, filed on July 8, 2024, recommends this action be dismissed for failure to state a claim upon which relief may be granted. ECF No. 15. The second Report and Recommendation, filed on July 30, 2024, recommends the court impose filing restrictions on Plaintiff Jerry Ernest Lopez (“Plaintiff”). ECF No. 18. Plaintiff was notified of his right to file objections to each Report and Recommendation within fourteen days of service. Plaintiff did not file an objection to either Report and Recommendation within the allotted time.

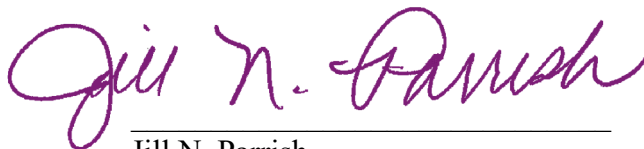
Because Plaintiff did not object to either Report and Recommendation, he waived any argument that either was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed both Report and Recommendations and concludes they were not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation for Dismissal (ECF No. 15) is ADOPTED IN FULL.
2. The Report and Recommendation to Designate Jeffrey Ernest Lopez a Restricted Filer (ECF No. 18) is ADOPTED IN FULL.
3. This action is DISMISSED.
4. The court designates Jeffrey Ernest Lopez as a restricted filer and imposes the following filing restrictions for any new action Mr. Lopez seeks to file pro se and without paying a filing fee:
 - a. Mr. Lopez shall file a motion with the Clerk of Court requesting leave to file a pro se action, with the proposed complaint attached;
 - b. The motion shall include a complete list of all of Mr. Lopez's current and previously filed lawsuits;
 - c. The motion shall include a notarized affidavit from Mr. Lopez reciting the issues he seeks to present and including a short discussion of the legal basis asserted for the claims;
 - d. The affidavit shall include an assertion that, to the best of Mr. Lopez's knowledge, the legal arguments raised are not frivolous or brought in bad faith;
 - e. The Clerk of Court shall send the referenced materials to a magistrate judge for review to determine whether the proposed complaint is without merit, duplicative, or frivolous;
 - f. The magistrate judge shall forward the proposed complaint to the Chief District Judge for further review; and
 - g. The proposed complaint may be filed only with the review and consent of the Chief District Judge.

Signed November 12, 2024

BY THE COURT



Jill N. Parrish
United States District Court Judge